

**House Resolution**

**No. 54**

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**Introduced by Assembly Member Olsen**

August 6, 2014

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House Resolution No. 54—Relative to the Americans with Disabilities Act.

1 WHEREAS, Even though the Americans with Disabilities Act  
2 (ADA) has been implemented nationally, California is among the  
3 top states for ADA lawsuits; and

4 WHEREAS, Congressional House Resolution 994, authored by  
5 Representative Ken Calvert, known as the ACCESS Act of 2013,  
6 would alleviate the financial burden small businesses are facing  
7 by those lawsuits, while still fulfilling the purposes of the ADA;  
8 and

9 WHEREAS, HR 994 would require an owner or operator of a  
10 business to provide the party alleging a violation of the ADA,  
11 within 60 days, a description outlining improvements that would  
12 be made to address the barrier; and

13 WHEREAS, Under HR 994, the owner or operator would then  
14 have 120 days to remove the infraction and failure to meet any of  
15 these conditions would allow the suit to go forward; and

16 WHEREAS, The goal of the HR 994 is to maintain the intent  
17 of ADA in providing access for the disabled and to stop the abuse  
18 that is providing trial lawyers with access to the wallets of small  
19 business owners; and

20 WHEREAS, Federal ADA-related lawsuits do not give business  
21 owners an opportunity to remedy any ADA-related shortcomings  
22 before a lawsuit is allowed to proceed; and

1 WHEREAS, Reforms, including offering small businesses an  
2 opportunity to make accessibility improvements before a lawsuit  
3 can move forward, are needed to protect small business owners  
4 from predatory lawsuits brought under the ADA, while continuing  
5 to provide access for the disabled in accordance with the ADA;  
6 now, therefore, be it

7 *Resolved by the Assembly of the State of California*, That the  
8 Assembly urges the United States Congress to pass HR 994, the  
9 ACCESS Act of 2013, to restore the original intent of the ADA,  
10 increase access for Americans with disabilities, and help small  
11 businesses comply with the Americans with Disabilities Act  
12 (ADA); and be it further

13 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
14 of this resolution to the President and Vice President of the United  
15 States, the Speaker of the House of Representatives, the Majority  
16 Leader of the Senate, and each Senator and Representative from  
17 California in the Congress of the United States.